

NATURAL RESOURCES DEFENSE COUNCIL,

Plaintiff,

-v-

U.S. ENVIRONMENTAL PROTECTION AGENCY,

Defendant.

17-CV-5928 (JMF)

ORDER

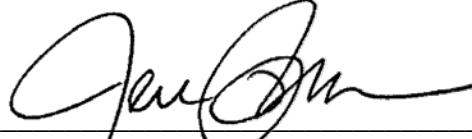
As discussed on the record during the conference held today, it is hereby ORDERED that:

- No later than **December 19, 2019**, the EPA shall disclose the five records that the Court found, after *in camera review*, must be disclosed in full. ECF No. 57 (“August 30 Order”) at 32-33. By the same date, the EPA shall also disclose the portions of the four records that the Court found must be disclosed in part. *Id.*
- No later than **December 19, 2019**, the EPA shall review the five records referenced in footnote 11 of the August 30 Order and disclose all reasonably segregable, non-exempt information.
- No later than **January 20, 2020**, the EPA shall review the 165 records listed in Exhibit 3 of the NRDC’s December 9, 2019 letter, and, by the same date, shall notify NRDC whether it agrees with the categorizations in NRDC’s December 9, 2019 letter. *See* ECF No. 74, at 4 & Ex. 3. No later than **January 27, 2020**, the parties shall file a joint letter indicating their agreement or disagreement regarding categorization of those records and, to the extent the parties disagree, proposed next steps. Further, unless and until the Court orders otherwise, no later than **February 19, 2020**, the EPA shall complete its review and production (as appropriate) of those 165 documents.
- No later than **January 31, 2020**, the EPA shall review the sixty-four records in the *Vaughn* index withheld under the deliberative process privilege for reasonably segregable, non-exempt information. *See* ECF No. 74, at 3.

Finally, no later than **January 31, 2020**, the EPA is ORDERED to produce to the NRDC the twenty-eight records that the Court found were improperly withheld on the basis of the deliberative process privilege. *See* August 30, 2019 Order 37-39; ECF No. 74, at 2; ECF No. 75, at 2. The EPA shall advise the Court if it believes that entry of a partial judgment pursuant to Rule 54(b) of the Federal Rules of Civil Procedure is appropriate.

SO ORDERED.

Dated: December 13, 2019  
New York, New York

A handwritten signature in black ink, appearing to read 'Jesse M. Furman', written over a horizontal line.

JESSE M. FURMAN  
United States District Judge